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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,071	02/16/2001	David Frederick Bantz	YOR920000803US1	5094

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DUKE. W. YEE  
YEE & ASSOCIATES, P.C.  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER
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ELMORE, JOHN E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,071

Applicant(s)

BANTZ ET AL.

Examiner

John Elmore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/06/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-48 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 2, 4, 5, 10-18, 20, 21, 26-34, 36, 37 and 42-48 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "objectionable " in claims 1 (lines 1, 3, 5 and 6), 17 (lines 1 and 4-6) and 33 (lines 2, 5 and 7) is a relative term which renders the claims indefinite. The term "objectionable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The determination of content that is offensive, tasteless, vulgar, pornographic, or otherwise considered "objectionable" ordinarily varies according to the subjective sentiments of the user, so the claim does not particularly point out and distinctly claim how the objectionable content is distinguished from the requested content. In the interest of compact prosecution, this limitation is subsequently ignored.

The claims 2, 4, 5, 10-16, 18, 20, 21, 26-32, 34, 36, 37 and 42-48 are rejected by virtue of their dependence on rejected claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-48 are rejected under 35 U.S.C. 102(e)** as being anticipated by Jensen et al., hereafter Jensen, (USPN 6,459,809 – filed July 12, 1999 and published October 1, 2002).

**Regarding claim 1**, Jensen discloses a method of identifying objectionable content, comprising:

receiving requested content (column 3, lines 51-58);

analyzing the requested content to identify an amount of objectionable

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content (analysis regarding contour transformations of data provides basis for identifying content to be filtered; see column 3, lines 58-60, and column 9, lines 29-36); and

storing the requested content in an objectionable content data structure if the amount of objectionable content in the requested content is above at least one predetermined threshold (filtered content is rerouted from original content stream if the semantic value of its contour transformation is above a predetermined threshold; see column 10, lines 30-35, and column 11, lines 37-55).

**Regarding claim 2**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein at least one predetermined threshold is obtained from a user profile (threshold value, determined by archetype, varies per the user; see column 11, lines 24-28).

**Regarding claim 3**, Jensen teaches all the limitations of claim 1, and further teaches:

providing at least one entry from the objectionable content data structure to a user (column 12, lines 45-46);

receiving input from the user categorizing the at least one entry as objectionable or non-objectionable (refinement of archetypes with user input by which content is categorized as objectionable or non-objectionable; column 4, lines 49-54); and

adjusting the at least one predetermined threshold if the input from the

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user categorizes the at least one entry as non-objectionable (refinement of archetypes; column 4, lines 49-54).

**Regarding claim 4**, Jensen teaches all the limitations of claim 1, and further teaches that the method is implemented in a proxy server (column 4, lines 46-48).

**Regarding claim 5**, Jensen teaches all the limitations of claim 1, and further teaches that the method is implemented in a client device (column 4, lines 33-34, and column 11, lines 2-14).

**Regarding claim 6**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein

analyzing the requested content to identify an amount of objectionable content includes one or more of performing image analysis, performing list based analysis, performing textual analysis (image analysis; see column 5, lines 22-24; column 10, lines 26-27; and column 11, lines 37-46) and

receiving an input from a user designating the requested content as containing objectionable content (column 12, lines 45-50).

**Regarding claim 7**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein analyzing the requested content to identify an amount of objectionable content includes using parameters stored in a user profile to identify objectionable content (user-defined archetypes identify filtered content; column 11, lines 24-28, and column 12, lines 3-5).

**Regarding claim 8**, Jensen teaches all the limitations of claim 7, and further teaches a method wherein the user profile identifies levels of objectionable content

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which a user wishes to avoid (object qualifier provides the user with a means for refining the particularity for the various archetypes used to filter content; column 11, line 37, through column 12, line 54).

**Regarding claim 9**, Jensen teaches all the limitations of claim 7, and further teaches a method wherein the user profile identifies the at least one threshold for one or more categories of objectionable content (user-defined archetypes include target semantic values that are used as a threshold for filtering content; see column 9, lines 54-61; column 10, lines 18-40; and column 11, lines 37-55).

**Regarding claim 10**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein the at least one threshold is dynamically adjustable (column 11, lines 56-57).

**Regarding claim 11**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein the at least one threshold is dynamically adjustable based on results of review, by a user, of objectionable content in the objectionable content data structure (column 12, lines 42-50).

**Regarding claim 12**, Jensen teaches all the limitations of claim 1, and further teaches a method wherein analyzing the requested content to identify an amount of objectionable content includes scoring the requested content based on the amount and type of objectionable content contained in the requested content (semantic values are obtained from the contour transformation of requested content and compared against a dictionary of archetypes that define the amount and type of content to be filtered; see column 7, lines 46-64, and column 9, lines 54-61).

**Regarding claim 13**, Jensen teaches all the limitations of claim 12, and further teaches that scoring the requested content based on the amount and type of objectionable content contained in the requested content includes maintaining scores for each of a plurality of categories of objectionable content (archetypes define a plurality of categories of content; see column 7, lines 55-64, and column 10, lines 18-27).

**Regarding claim 14**, Jensen teaches all the limitations of claim 13, and further teaches that analyzing the requested content to identify an amount of objectionable content further includes determining if one or more of the scores for each of the plurality of categories of objectionable content exceeds the at least one threshold (column 10, lines 30-33, and column 11, lines 37-55).

**Regarding claim 15**, Jensen teaches all the limitations of claim 15, and further teaches that the threshold is defined in a user profile (column 9, lines 54-61; column 10, lines 18-40; and column 11, lines 37-55).

**Regarding claim 16**, Jensen teaches all the limitations of claim 3, and further teaches a method wherein adjusting the at least one predetermined threshold if the input from the user categorizes the at least one entry as non-objectionable includes determining a new value for the at least one predetermined threshold using one of an algorithm, a function, an inference engine, a neural network, an expert system and an intelligent computing system (adjusting thresholds using neural network; see column 8, lines 57-67, and column 12, lines 49-52).



**Regarding claims 17-32**, these are apparatus versions of the claimed method steps discussed above (claims 1-16, respectively), wherein all limitations have been addressed. Thus, for the reasons provided above, such claims are anticipated.

**Regarding claims 33-48**, these are computer program product versions of the claimed method steps discussed above (claims 1-16, respectively), wherein all limitations have been addressed. Thus, for the reasons provided above, such claims are anticipated.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

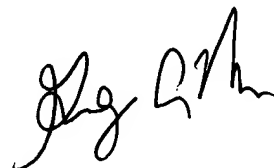
Therault (USPN 6,049,821 – published April 11, 2000) discloses a method of filtering requested content using a proxy server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Greg Morse", is positioned above the typed name.

GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2134